

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS ROSENBURG, et al.

Plaintiffs,

No. C 06-0430 PJH

v.

NOTICE AND ORDER

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

The court hereby notifies the parties that it is in receipt of a letter from a would-be claimant to the settlement fund, Mr. David Quist. According to Mr. Quist, his claim form was either “lost or mismanaged” during the claims administration process, as the claims administrator’s office informed Mr. Quist that the claim administrator has no record of Mr. Quist’s claim.

As no proof of service was filed with Mr. Quist’s letter, the court hereby notifies all counsel of Mr. Quist’s filing – which will be scanned and filed concurrently with the instant notice – so that counsel may act upon the filing to the extent necessary. The court furthermore instructs the parties to file a brief response to Mr. Quist’s letter, via letter filed with the court, with an explanation as to how or why any claim filed by Mr. Quist was not acted upon by the claim administrator, or in the event no such claim is found, an explanation of the efforts undertaken to ascertain whether Mr. Quist in fact filed such a claim. The parties shall furthermore inform the court as to the final status of the settlement fund, and whether and when all monies under the fund were paid to all valid class

members. Such letter shall be filed with the court no later than **March 7, 2008**.

IT IS SO ORDERED.

Dated: February 28, 2008



PHYLLIS J. HAMILTON
United States District Judge